

Appl. No. 10/092,347  
Amdt. dated November 3, 2005  
Reply to Office Action of July 26, 2005

PATENT

**REMARKS/ARGUMENTS**

Before this Amendment, claims 1-23 were present for examination. Claims 1-5, 7-20, 22, and 23 are amended. Claim 6 is canceled, and claim 24 is added. Therefore, claims 1-5 and 7-24 are present for examination, and claims 1, 14, 17, 20, and 22 are the independent claims. No new matter is added by these amendments. Applicants respectfully request reconsideration of this application as amended.

The Office Action dated July 26, 2005 ("Office Action") initially rejected claims 1-13 under 35 U.S.C. §102(e) as being anticipated by the cited portions of Peterka, U.S. Publication No. 2002/0172368A1 ("Peterka"). The Office Action rejected claims 14-23 under 35 U.S.C. §102(b) as being anticipated by the cited portions of "Augmenting Kerberos with Public Key Cryptography", IEEE, published 1995, by Ravi Ganesan ("Ganesan").

**35 U.S.C. §102(e) Rejection, Peterka**

The Office Action has rejected claims 1-13 under 35 U.S.C. §102(e) as being anticipated by the cited portions of Peterka. Independent claim 1 was amended to recite embodiments of the invention more particularly, and claims 2-13 depend from claim 1. For a valid anticipation rejection, the Office must show that each limitation from the claims appears in a single piece of prior art. Applicants believe at least one limitation from the amended claim is not taught in the Peterka reference. More specifically, Peterka does not teach a "caching server and consumer system [which] exchange a plurality of encrypted control messages to be used in transferring the requested content."

Peterka, which has a common inventor and common assignee with the present application, is titled "Initial Free Preview for Multimedia Multicast Content." In discussing "content rights and conditions," Peterka states that a caching server refers to a "rule defining who is entitled to receive the program content, and [thereby] can determine whether or not to provide the program content key" (Peterka, p. 12, ¶ [0141]). In other parts of Peterka, there is a discussion of "*the* received key" (*Id.*, p. 12, ¶ [0142]; *see also*, p. 4, ¶ [0066], p. 13, ¶ [0146]).

Appl. No. 10/092,347  
Amdt. dated November 3, 2005  
Reply to Office Action of July 26, 2005

PATENT

But Peterka does not teach the "*exchange [of] a plurality of encrypted control messages*" to be used in transferring the requested content." Instead, Peterka suggests that the "caching server will grant access to the requested content by delivering the content encryption key via the program key" (*Id.*, p. 4, ¶ [0066]). The Applicants respectfully request that the anticipation rejection be withdrawn for these reasons.

35 U.S.C. §102(b) Rejection, Ganesan

The Office Action has rejected claims 14-23 under 35 U.S.C. §102(b) as being anticipated by Ganesan. As noted above, for a rejection under §102(b) the Office must show that each limitation from the claims appears in a single piece of prior art. Claims 14, 17, 20, and 22 are independent claims, and the rejection of each will be addressed in turn.

Claims 14 & 17: Claims 14 and 17 recite a "content provider communicatively coupled to the caching server." In rejecting these claims, the Office appears to indicate that the TGS and server in Figure 1 of Ganesan read on the "content provider" of the claims. But these appear as two distinct, separate components in Ganesan (i.e., the TGS and server). There is no teaching or suggestion in Ganesan that these components be combined to comprise a single content server. Moreover, there is no suggestion in Ganesan that the client comprise a server to be used for caching.

Claim 14 has also been amended to more particularly recite embodiments of the invention to emphasize additional distinctions. In Ganesan, the client is granted a TGT by the Authentication Server. In Ganesan, therefore, this client comprises the "client" for purposes of key distribution. The Office states that this client in Ganesan reads on the caching server in the claims. But in the embodiment described by Claim 14, the caching server comprises the "server" for purposes of key distribution (i.e., it is the content provider that is granted the caching server ticket). The method described in these embodiments "provides an optimization for server-initiated key management, eliminating the need for a server to obtain and then cache potentially large numbers of client tickets" (Original Application, p. 13, ll. 26-27). The generic teachings of Ganesan do not teach or suggest the methods described claims 14 or 17.

Appl. No. 10/092,347  
Amdt. dated November 3, 2005  
Reply to Office Action of July 26, 2005

PATENT

Claim 20: Claim 20 recites a system which includes a *content provider* for providing the content to the *caching server* for access by the *user*. This system is simply not taught or suggested by Ganesan, which describes a generic Kerberos message exchange overview between a single server and client. The key distribution center described in claim 20 receives separate requests from both the user and the content provider. The basic server/client exchange described in the reference fails to suggest the secure system of claim 20, which allows an authorized user to stream content from a caching server, the content originating at the content server.

Claim 22: The Office Action indicates that independent claim 22 is rejected, but gives no reasoning with regard to its many elements. For example, claim 22 provides for content metadata, a billing center server, billing information, a provisioning database, etc., which are not explicitly set forth in the previous claims. The Office has the initial burden for setting forth a prima facie case for a §102(b) rejection, but has not met this burden with respect to this claim. Either a Notice of Allowance, or a non-final Office Action that addresses at least claim 22, is respectfully requested.

Claims 1, 14, 17, 20, and 22 are allowable for at least the foregoing reasons. Claims 2-5, 7-13, 15, 16, 18, 19, 21, 23 and 24 each depend from the independent claims, and these claims are believed allowable for at least the same reasons as given above.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/092,347  
Amtd. dated November 3, 2005  
Reply to Office Action of July 26, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Michael L. Drapkin  
Reg. No. 55,127

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
MLD:klb  
60618639 v1